

**CONTINUATION-IN-PART  
DECLARATION AND POWER OF ATTORNEY**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**"FOLDED, BENT AND RE-EXPANDED HEAT EXCHANGER TUBE AND ASSEMBLIES"**

Case No. **P97,1853**, the specification of which is a continuation-in-part application of pending U.S. Serial No. 08/798,615, filed February 11, 1997, which is a divisional application of U. S. Serial No. 08/572,180 filed December 13, 1990, which is based on provisional application U. S. Serial No. 06/006,655, filed November 13, 1995.

I hereby state that I have reviewed and understand the contents of the above-identified specification.

I acknowledge the duty to disclose to the United States Patent Office all information known to me, which information is material to the examination of this application, in accordance with Title 37, Code of Federal Regulations, 1.56(a)<sup>1</sup>, including such material which became available between the filing date of the prior application and the filing date of the continuation-in-part application.

As to the subject matter of this application which is common to U.S. Serial No. 08/798,615 filed on February 11, 1997, which is a divisional application of U. S. Serial No. 08/572,180 filed December 13, 1990, which is based on provisional application U. S. Serial No. 06/006,655, filed November 13, 1995. I do not know and do not believe that this invention was ever known or used in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to the earlier application, I believe that the same was not in public use or on sale in the United States of America more than one year prior to this earlier application, and I believe that the invention has not been patented or made the subject of an inventor's certificate issued before the date of this earlier application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months prior to this earlier application, and that no application for patent or inventor's certificate on this invention has been filed in any country foreign to the United States of America prior to this earlier application by me or my legal representatives or assigns, except as identified below.

As to the subject matter of this application which is not common to U.S. Serial No. 08/798,615 filed on February 11, 1997, which is a divisional application of U. S. Serial No. 08/572,180 filed December 13, 1990, which is based on provisional application U. S. Serial No. 06/006,655, filed November 13, 1995. I do not know and do not believe that this invention was ever known or used in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to this application, I believe that the same was not in public use or on sale in the United States of America more than one year prior to this application, and I believe that the invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months prior to this application, and that no application for patent or inventor's certificate on this invention has been filed in any country foreign to the United States of America prior to this application by me or my legal representatives or assigns, except as identified below.

I hereby claim foreign priority benefits under Title 35, United States Code, 120 of any application(s) for patent or inventor's certificate listed below:

Number	Country	Date
08/798,615	United States	February 11, 1997
08/572,180	United States	December 13, 1990
06/006,655	United States	November 13, 1995

and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the above listed application on which priority is claimed:

Number	Country	Date
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<sup>1</sup>(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

(1) It establishes, by itself or in combination with other information, a *prima facie* case of unpatentability of a claim; or

(2) It refutes, or is inconsistent with, a position the applicant takes in:

(i) Opposing an argument of unpatentability relied on by the Office, or

(ii) Asserting an argument of unpatentability.

A *prima facie* case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

**Abstract**

And I hereby appoint Messrs. John D. Simpson (Reg. No. 19,842), Dennis A. Gross (24,410), Robert M. Barrett, Steven H. Noll (28,982), Kevin W. Guynn (29,927), Robert M. Ward (26,517), Brett A. Valiquet (27,841), Edward A. Lehman (22,312), David R. Metzger (32,919), Todd S. Parkhurst (26,494), James D. Hobart (24,149), Melvin A. Robinson (31,870), John R. Garrett (27,888), Paula J. Kelly (37,624), John W. Cornell (30,619), Robert J. Depke (37,607) Joseph P. Reagen (35,332), Michael R. Hull (33,902), Michael S. Leonard (37,557), William E. Vaughn (39,056), Lewis T. Steadman (17,074), and Marvin Moody (16,549), all members of the firm of Hill & Simpson, A Professional Corporation

my attorneys with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith and direct that all correspondence be forwarded to:

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of second joint inventor A. TODD MCKAY  
 Inventor's signature A. Todd McKay Date 7-1-98  
 Residence 751 Harvard Lane, Matteson, Illinois 60443  
 Citizenship United States  
 Post Office Address Same as above

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Roger E. Paulman )  
Serial No. ) Examiner:  
Filing Date: July 30, 2001 ) Art Unit:  
For: Folded, Bent and Re – Expanded )  
Heat Exchanger Tube Assemblies )

ASSOCIATE POWER OF ATTORNEY OR AGENT (37 CFR 1.34)

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

Please recognize the following as Associate Attorneys in this application:

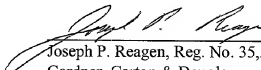
Richard W. Young, Reg. No. 30,706  
Brian C. Rupp, Reg. No. 35,665  
Phillip G. Hampton, Reg. No. 30,642  
Michael M. Geoffrey, Reg. No. 41,775  
Michael R. Osterhoff, Reg. No. 46,973

Address: Gardner, Carton & Douglas  
321 North Clark Street  
Suite 3400  
Chicago, Illinois 60610-4795  
Tel: (312) 644-3000  
Fax: (312) 644-3381

Respectfully submitted,

Date:

7/30/01

  
Joseph P. Reagen, Reg. No. 35,332  
Gardner, Carton & Douglas  
321 North Clark Street, Suite 3400  
Chicago, Illinois 60610-4795  
(312) 644-3000